



PATENT  
Customer No. 22,852  
Attorney Docket No. 3804.1596-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Manfred BOHN et al. ) Group Art Unit: 1639  
Application No.: 09/077,194 ) Examiner: J. Epperson  
Filed: May 26, 1998 )  
For: USE OF 1-HYDROXY-2- )  
PYRIDONES FOR THE ) Confirmation No. 5713  
TREATMENT OF )  
SEBORRHEIC DERMATITIS )

RECEIVED  
APR 01 2005  
TECH CENTER 1600/2900

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application. A Restriction Requirement was mailed on March 2, 2005. However, a Restriction Requirement is not an Office Action on the merits that would cause this IDS to be filed under 1.97(c) instead of 1.97(b). See M.P.E.P. § 609(III)(B)(1)(a) & (b) at pages 600-131 and 600-132.

Copies of the listed foreign and non-patent literature documents are attached.  
Copies of the U.S. patents and application publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants relate the following information regarding attached documents that are not written in the English language.

**FR 2 694 694 A1:** This document relates to information understandable from the figures. Applicants also submit an English language abstract.

**HU 208 007 B:** Applicants list U.S. Patent Nos. 5,356,907, 5,395,843, and 5,559,130, which are believed to be English language counterparts.

**WO 98/13043:** Applicants list U.S. Patent No. 6,469,033 B1, which is believed to be an English language counterpart. Applicants also include an English language translation of this document.

**WO 98/13042:** Applicants include an English language translation of this document.

**WO 97/20560:** Applicants list U.S. Patent No. 6,455,551 B1, which is believed to be an English language counterpart.

Applicants call the Examiner's attention to the following English-language summary of the attached German-language article by Schöfer. This summary was provided by the Applicants.

The Therapy of Seborrheic Eczema During HIV-infections

"20 of 29 HIV-patients having seborrheic eczema showed an improvement after 1 week treatment with a crème containing 2 % ketoconazole. After 4

weeks of treatment 86 % of the patients showed symptom improvement. Treatment with the crème alone showed similar improvements. Differences in the therapy between HIV-infected patients showing seborrheic eczema and immune competent patients could not be detected."

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

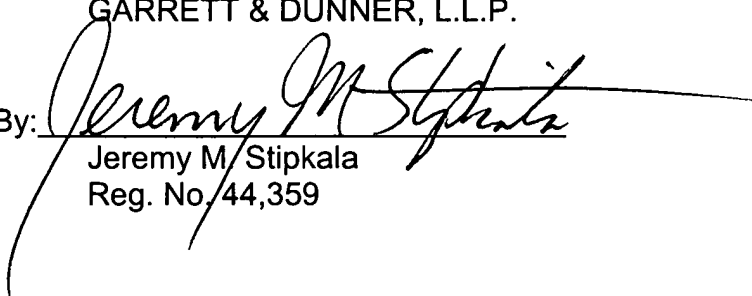
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 30, 2005

By:

  
Jeremy M. Stipkala  
Reg. No. 44,359

<b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	09/077,194	
			Filing Date	May 26, 1998	
			First Named Inventor	Manfred BOHN et al.	
			Art Unit	1639	
			Examiner Name	J. Epperson	
Attorney Docket Number	3804.1596-00				
Sheet	1	of	2		

O I P E  
 MAR 30 2005  
 PATENT & TRADEMARK OFFICE

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-20030086881 A1	05-08-2003	BOHN et al.	
		US-20040039030 A1	02-26-2004	BOHN et al.	
		US-20040081677 A1	04-29-2004	BOHN et al.	
		US-6,469,033 B1	10-22-2002	BOHN et al.	
		US-6,455,551 B1	09-24-2002	KRAEMER et al.	
		US-5,756,108	05-26-1998	RIBIER et al.	
		US-5,612,327	03-18-1997	MAKINO et al.	
		US-5,609,854	03-11-1997	GUERRERO et al.	
		US-5,559,130	09-24-1996	CLEMENCE et al.	
		US-5,510,100	04-23-1996	PICARD et al.	
		US-5,395,843	03-07-1995	CLEMENCE et al.	
		US-5,356,907	10-18-1994	CLEMENCE et al.	
		US-5,071,639	12-10-1991	SOYAMA	
		US-4,699,924	10-13-1987	DURRANT et al.	

RECEIVED

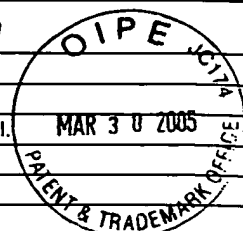
TECH CENTER 1600/2900

APR 01 2005

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		AU 716 208	04-17-1998	BOHN et al.		
		CA 2,134,304	04-29-1995	BRYANT et al		
		EP 0 381 446 A1	08-08-1990	FRIEDMAN		
		FR 2 694 694	02-18-1994	THOREL		Abstract
		GB 2 207 051	01-25-1989	SAINT LEGER		
		HU 208 007 B	05-28-1991	CLEMENCE et al.		Eng. Lang. Countrprt.
		WO 98/13043	04-02-1998	BOHN et al.		Yes
		WO 98/13042	04-02-1998	BOHN et al.		Yes
		WO 97/20560	06-12-1997	KRAEMER		Eng. Lang. Countrprt.
		WO 96/19186	06-27-1996	SUN et al		

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Application Number	09/077,194	
			Filing Date	May 26, 1998	
			First Named Inventor	Manfred BOHN et al.	
			Art Unit	1639	
			Examiner Name	J. Epperson	
			Attorney Docket Number	3804.1596-00	
Sheet	2	of	2		



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Derwent Abstract No. 95-325488 for JP 07 223 971 A (Aug. 22, 1995).	
		Translation of FR 2 685 867.	
		Translation of Abstract of GROSSHANS et al., "L'Eczema Seborrheique (La Pityrospore), " Ann. Dermatol. Venereol., 115:79-86 (1988).	
		Translation of FR 2 618 068.	
		ABRAMS et al., "Ciclopirox Olamine: A Hydroxypyridone Antifungal Agent," <i>Clinics In Dermatology</i> , Vol. 9, pp. 471-477 (1992).	
		AMOS et al., "Clinical efficacy of Polytar AF (Fongitar) and Nizoral Scalp Treatments in Patients with Dandruff/Seborrheic Dermatitis," <i>Journal of Dermatological Treatment</i> , Vol. 5, pp. 127-130 (1994).	
		CORTE et al., "Topische Anwendung einer 0.1%igen Ciclopiroxolamin-Lösung zur Behandlung der Pityriasis versicolor, Topical Application of a 0.1% Ciclopiroxolamine Solution for the Treatment of Pityriasis versicolor," <i>Mycosis</i> , Vol. 32, No. 4, pp. 200-203 (1989). (English Abstract)	
		CULLEN et al., "Treatment of Tinea Versicolor with a New Antifungal Agent, Ciclopirox Olamine Cream 1%," <i>Clinical Therapeutics</i> , Vol. 7, No. 5, pp. 574-583 (1985).	
		FAERGEMANN, J., "Pityriasis Versicolor," <i>Seminars in Dermatology</i> , Vol. 12, No. 4, pp. 276-279 (1993).	
		HANEL et al., "Evaluation of Fungicidal Action <i>in Vitro</i> and in a Skin Model Considering the Influence of Penetration Kinetics of Various Standard Antimycotics," <i>Annals New York Academy of Sciences</i> , Vol. 544, pp. 329-337 (1988).	
		PLEWIG et al., "Seborrheic Dermatitis," <i>FitzPatrick's Dermatology in General Medicine</i> , 5 <sup>th</sup> Ed., Ch. 126, pp. 1-17 CD-Rom (1999).	
		PRZEKOP et al., "Ciclopirox Olamine, An Antifungal Modulator of Neutrophil Function and Infiltrate in Cutaneous Inflammation," <i>J. Investigative Dermatology</i> , Vol. 102, No.4, (SID Abstracts) p. 593, (1994).	
		SCHOFER, H., "Therapie des seborrhoischen Ekzems bei HIV-Infektion," <i>Forschung und Praxis</i> , 98 Seite III, (1990).	
		SHUSTER, S., "Dandruff, Seborrheic Dermatitis, and Pityrosporum Ovale," <i>Cosmetics and Toiletries</i> , Vol. 103, pp. 87-91 (1988).	
		"Scaly Dermatoses," <i>Handbook of Nonprescription Drugs</i> , American Pharm. Assoc., Ch. 26, pp. 550-552 (1996).	
		"Seborrheic Dermatitis and Dandruff," <i>Manual of Dermatologic Therapeutics</i> , 5 <sup>th</sup> Ed., Ch. 29, pp. 164-167 (1995).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.